IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 13379 of 2005

Between:

Senapathi Venkataramana, S/o Somu Naidu, Occ: Private Service,
R/o 18/119, Saligrampuram, Visakhapatnam, A.P.

..... PETITIONER

AND

1 Deputy Commissioner for Prohibition & Excise, Prohibition & Excise, Visakhapatnam, A.P.
2 The Station House Officer, Prohibition & Excise, Circle-III, P.S. Visakhapatnam, A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not releasing the Auto bearing No. AP 31W 7364 in spite of that there was an undertaken given by the Third party along with F.D.R for Rs. 50,000/- (Rupees fifty thousand only) in favour of the petitioner pursuant to the direction given vide R.C.No. 449/2002/B3, dated 16-7-2003 by the 1st respondent which is illegal arbitrary, constitutional and against the principles of natural justice, where the petitioner has incurred substantiable loss of earnings in flying the Auto for business, since the date of order dt. 16-7-2003 to till date consequently direct the respondents to release the Auto bearing No. AP 31W 7364 where the petitioners has already fulfilled the conditions of the first Respondent vide RC.NO. 449/2002/B3, dt. 16-7-2003 long back, where the petitioner has incurred huge loss and earnings.

Counsel for the Petitioner: MR.KARRI SURYANARAYANA

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the state of admission made the following:

ORAL ORDER:

Against the final order of confiscation passed in April, 2005, the petitioner submits that he has preferred an appeal on 7.7.2005. It is his case that during the pendency of the proceedings for confiscation, the vehicle was released and interim custody was ordered subject to condition that the petitioner deposited a Fixed Deposit Receipt for Rs.50,000/- with an undertaking bond by a third party.

2. Learned counsel for the petitioner submits that the petitioner had submitted a State Bank of India FDR for Rs.50,000/- which the Government Pleader for Excise, on instructions, submitted is still valid and is with the respondents-officials.

3. Therefore there shall be a direction to the respondents to release the vehicle subject to the validity of the FDR being extended till the appeal preferred by the petitioner before the Commissioner of Prohibition and Excise, is heard and disposed of.

4. The Writ Petition is disposed of accordingly. No costs.

14.7.2005

SSR

To

1 Deputy Commissioner for Prohibition & Excise, Prohibition & Excise, Visakhapatnam, A.P.
2 The Station House Officer, Prohibition & Excise, Circle-III, P.S. Visakhapatnam, A.P.

3 2 CCs to G.P. for Prohibition & Excise, High Court of A.P. (OUT)

4 2 CD copies

5 1 CC to MR.KARRI SURYANARAYANA